

**TOWN COUNCIL
REGULAR MEETING
APRIL 17, 1996
7:00 P.M.**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:06 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Kiar and Santini. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3. PRESENTATIONS

Service Awards

3.1 William Bamford, Sergeant - Ten Years

Mayor Venis presented Sergeant Bamford with a service award.

3.2 Jeffrey Parzygnat, Maintenance Technician I - Fifteen Years

Mayor Venis presented Mr. Parzygnat with a service award.

3.3 William Merdian, Assistant Director of Public Works - Twenty Years

Mayor Venis presented Mr. Merdian with a service award.

3.4 Stephen Seefchak, Police Lieutenant - Twenty Years

Mayor Venis presented Lieutenant Seefchak with a service award.

3.5 Arturo Stabile, Sergeant - Twenty Years

Mayor Venis presented Sergeant Stabile with a service award.

3.6 John Tucker, Major - Twenty Years

Mayor Venis presented Major Tucker with a service award.

From/To Council

3.7 Olympic Village Video

Dale Shumanski, representing the Olympic Village, thanked the Town for its support and indicated that the Village was the home for the athletes during the first round and quarter final matches. She discussed the amenities that were available to the athletes. Mayor Venis indicated that the video would be presented at the next Council meeting.

3.8 Traveling Soccer Teams

Mayor Venis announced that next season, the Town would be increasing the traveling program to include boys and girls from ages 8 to 19.

Coach Bill Bednarz introduced the Under 8 Soccer Squad with certificates being presented: Bryan Bednarz, Jonathan Crissy, Chad Curtiss, Logan Custer, Taylor Fuentes, Austin Kiick, Nicholas Lasko, Ryan Leggett, Eric Leitner, Frankie Moulton, Brent Sax, Shane Smith, and Grant West.

Coach Rick Lovingshimer introduced the Under 10 Soccer Squad with certificates being presented: Jonathan Bookman, Brian DeGrange, Ted Dooley, Marshall Haynick, Justin Iagulli, Peter James, Stefan Kane, Jason Lovingshimer, Brett Maveragames, Dawn O'Connor, Sushant Reddy, and Chad Robbins.

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Coach Les Modlics introduced the Under 12 Soccer Squad with certificates being presented: Kevin Bersell, Richard Custer III, Chris DeDonna, Dwayne Hinds, David Hufham, Brittany Kling Jordan, Knapper, Steven Lovingshimer, Jeffrey Miller, Michael Miller, Nicholas Miller, David Rihaly, Chris Shaffer, and Jason Weintraub.

Coach Domingo Dos Ramos introduced the Under 14 Soccer Squad with certificates being presented: Jonathan Adams, Jon Aughey, Christopher Barnett, Doug Blecki, John Crabtree, Domingo Dos Ramas, Mike Gulla, Ruben Hernandez, Colton Lehmann, Eric Pavlinek, Lucas Pugliano, Vincent Tassone, Jeremy Weintraub, and Jason Whittaker.

Coach Mike Weber introduced the Under 16 Soccer Squad with certificates being presented: Eddie Allbritton, Phillip Asher, Jeremy Bolton, Johnny Chacon, Kathryn Egan, Broc Finnegan, Brian Flaherty, Jeremy Hoskings, Rob Huffman, Anthony Induisi, Brandon McCarraber, Chad Pavlinek, Brandi Shanahan, Keith Strawser, Brett Ward, Mathew Weber, and Michael Weber.

Mayor Venis indicated that all the coaches would be recognized at a ceremony to be held at the Pine Island Community Center sometime in June.

3.9 Kaz Pourghafari - Courtesy Computers, Inc.

3.10 Tim Woodcock - Courtesy Computers, Inc.

Police Chief Jack Mackie explained that Messrs. Pourghafari and Woodcock helped police detectives solve a burglary and had donated equipment to the Town's Police Department to aid in solving crimes. Councilmember Santini presented Certificates of Appreciation to Messrs. Pourghafari and Woodcock.

3.11 Home Depot

Mayor Venis presented Chris Cook and John Walker with a plaque for their efforts in renovating Potter Park and for Home Depot's continued support with the Town's Police Athletic League (PAL).

Chief Mackie announced that a wrestling match would be held on May 4th as a fundraiser for the PAL Program.

Renae Griggs, PAL Director, thanked Home Depot, Dennis Andresky and the Community Services staff for their support in the renovation. She indicated that a car wash would also be held on May 4th and details would be provided in the Davie Update.

3.12 Everglades Pro Bass Center - Take-A-Kid Fishing Tournament
This item was deferred to the next meeting.

3.13 Best Float Trophy - WestFair Parade, 1996

Mayor Venis presented a trophy to Floyd Smith of the Town's Public Works Departments.

3.14 Second Quarterly Status Report - Goals, Capital, Finance

Christopher Wallace, Director of Budget and Finance, indicated that the Town was on track for the second quarter. He stated that the Town had incurred additional expenses but did not see any real problems at this point in time. Mr. Wallace advised that a change in the cable television franchise agreement which would provide the Town with more revenue was being worked on. Mayor Venis questioned if the changes would be made by June 1st which Mr. Wallace responded affirmatively to.

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Mayor Venis asked if the same rate of contingency items were anticipated in the third or fourth quarter. Mr. Wallace replied negatively. Mayor Venis stated that he had previously discussed providing the study for the special assessment district in-house and asked for a timeframe. Mr. Wallace responded that he expected a draft in later May or early June.

Vice-Mayor Cox asked when the development impact fee study being completed. Mr. Wallace indicated that the study should be completed in May.

Mr. Webber indicated that there appeared to be staff level discussions being held between Pembroke Pines and Miramar for processing claims for blasting damage. He advised that it may be appropriate for the Town to become involved at a staff level in the discussions. Mayor Venis asked if the agreement could be signed within a month which Mr. Webber could not predict a time until an initial meeting took place. Mayor Venis indicated that he wanted to attend the meetings when the different cities attorneys met.

David Kaplan, 7791 SW 33 Street, distributed a letter and discussed areas of concern that needed to be addressed which included police incidents, police patrols, accidents, efforts to improve traffic, sidewalks, repair of roads, trash and the widening of Davie Road Extension. Mayor Venis asked Mr. Flatley for an update on these concerns at the next Council meeting.

Mr. Flatley asked that items 5.13 and 5.14 be heard at this time due to a time conflict.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to pull items 5.13 and 5.14. There were no objections.

5.13 Debbie Orshefsky, representing the property owner, discussed the negotiations of the annexation agreement. She indicated that she and Mr. Webber needed to review a few details in the agreement and any changes could be discussed at the May 1st meeting. Vice-Mayor Cox asked that the language in item 8b be clarified which Ms. Orshefsky explained.

Councilmember Santini announced that this annexation would provide the Town with approximately \$300,000 net at no additional expense to the Town. Mayor Venis asked Mr. Wallace to provide a breakdown of expenditures for the next Council meeting. Mr. Wallace advised that he did not expect any expenditures as the Town was already the first responder for public safety and the residents also received an in-city discount on recreation. He stated that he would provide a cash flow statement.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to table item 5.13 to May 1, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

5.14 Town Clerk Reinfeld read the ordinance by title only. Mayor Venis announced that a public hearing would be held on this item on May 1, 1996.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve item 5.14. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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4. COUNCILMEMBER COMMENTS

COUNCILMEMBER BUSH

Councilmember Bush had no comments.

VICE-MAYOR COX

FUNDRAISERS. Vice-Mayor Cox stated that a golf tournament was being held on May 10th to raise funds for the Emergency Assistance Service Efforts Program. She added that a ball drop was being held on May 10th to raise funds for the Old Davie School Foundation.

FLAMINGO GARDENS. Vice-Mayor Cox stated that a letter had been received from Flamingo Gardens objecting to the use of the trail corridor on 36th along the north perimeter of the Gardens. She said that this would cause a major whole in the spine trail and she was disappointed in the Gardens not wanting to help the Town.

COUNCILMEMBER SANTINI

TALLAHASSEE. Councilmember Santini provided library grant information to Mayor Venis. She indicated that meetings were held with legislators throughout the State and the Broward delegation was strong. Councilmember Santini stated that the local legislators were fighting for summer school funding. She said that two years ago, schools were included as a part of concurrency at the county level and she wanted to take an aggressive role in having the Broward County Commissioners to include schools in concurrency.

Councilmember Santini that the Town had the right to ask the School Board to manually change the tables used by the developers to estimate the number of students if the Town showed more children. She asked that this be looked into.

Councilmember Santini presented Chief Mackie with information on the cost of incarceration versus education.

SOCCER TEAMS. Councilmember Santini appreciated the recognition that the Town showed to the individual team members. She also appreciated the Town's commitment shown to children.

COUNCILMEMBER KIAR

CHILDREN. Councilmember Kiar concurred with Councilmember Santini on determining if it was feasible for the Town to acquire the information on the number of children in the community. Mayor Venis indicated that there was a disparity in the County's buildout compared to the Town's buildout. Council suggested that this issue be discussed at the May 8th workshop.

HAPPY BIRTHDAY. Councilmember Kiar wished his uncle a happy 80th birthday.

JAY STAHL. Councilmember Kiar stated that Jay Stahl had resigned from the Water Advisory Board and he would be making an appointment later in the meeting.

OKLAHOMA BOMBING. Councilmember Kiar asked everyone to remember the one year anniversary of the bombing.

BLOODHOUNDS. Councilmember Kiar stated that the Ryce family had discussed the use of bloodhounds for searching for people. He indicated that had bloodhounds been used searching for the Ryce's son, he would have been found alive. Councilmember Kiar asked for a report on the advantages and disadvantages for purchasing bloodhounds.

NOVA DRIVE MEDIAN. Councilmember Kiar stated that at night, vehicles were constantly hitting the median on Nova Drive at Home Depot. He asked that staff look

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into using some type of reflective paint to reflect the median.

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BIKE/RECREATION PATH. Councilmember Kiar stated that a man was killed on Arvida Parkway which brought back memories of the two little girls who were killed on 130th Avenue. He advised that Penny Barber had requested that a bike or recreation path be provided around 155th Lane. Councilmember Kiar indicated that \$210,000 had been allocated in the Capital Projects budget to continue the bike expansion in the western areas. He thanked Ms. Barber, Assistant Town Administrator Robert Rawls and Council for their dedication to the Town's bike/trail paths and to bring safety the community.

MAYOR VENIS

LIBRARY GRANT. Mayor Venis stated that he and Mr. Flatley were working on the financial plan for the new library.

SCHOOL TOUR. Mayor Venis stated that he had toured the new Indian Ridge Middle School which was the largest middle school in the County.

SPEEDING. Mayor Venis stated that he had received complaints regarding speeders on Nob Hill Road and 14th Street.

EGG HUNT. Mayor Venis stated that he and Vice-Mayor Cox attended the egg hunt at the Robbins Lodge which was very successful and commended the Town's staff. Councilmember Santini suggested that the banners not be removed to indicate that the open space was available.

DAVIE MERCHANTS AND INDUSTRIAL ASSOCIATION. Mayor Venis stated that he was a speaker at the Association's meeting held on April 16th.

DAVIE WATER ADVISORY BOARD. David Brown, Chairman, invited everyone to attend the meetings and requested the residents to complete the questionnaire that was provided for in the Town's newsletter. He requested that the questionnaires be returned by June 1st and indicated that a statistical analysis would be completed.

Councilmember Santini questioned if most of the complaints were regarding Sunrise water. Mr. Brown replied affirmatively.

SHOTGUN ROAD. Mayor Venis stated that water pipes were being installed on Shotgun Road and the residents were questioning if the road was to be repaved. Mr. Flatley replied affirmatively.

POLICE WHISTLE. Councilmember Kiar demonstrated a whistle that the Cooper City Police Department distributed to its residents. He asked Chief Mackie to determine the feasibility of distributing whistles the Town's senior citizens.

Mayor Venis indicated that item 5.3 needed to be tabled to May 1, 1996.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to table item 5.3. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Mayor Venis indicated that item 7.4 needed to be tabled to May 1, 1996.

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to table item 7.4 to May 1, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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Mayor Venis indicated that item 7.5 needed to be tabled to May 15, 1996.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to table to May 15, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

5. CONSENT AGENDA

Minutes

5.1 April 2, 1996 - Regular Meeting

Parade Permit

5.2 Broward County March for Jesus - May 25, 1996 (9 a.m. to 12 noon)

Resolutions

5.3 **STAFF REQUESTING TABLING TO MAY 1, 1996**

SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 2-1-95, Orangewood Farms, SW 118 Avenue, approximately 500 feet south of SW 17 Court) (tabled from April 2, 1996) Planning and Zoning Division denied; Planning and Zoning Board denied

R-96-116 5.4 **LANDSCAPE PROJECT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A CONTRACT WITH VILA AND SON LANDSCAPING FOR THE FLAMINGO ROAD LANDSCAPE PROJECT.**

R-96-117 5.5 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR CONCRETE POLES, CITY OF MARGATE BID NO. 95-016. (Pre-Cast Specialties, Inc. - not to exceed \$20,000)**

R-96-118 5.6 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR TWO (2) ATHLETIC FIELD GROOMING MACHINES. (Pifer, Inc. - \$14,560)**

R-96-119 5.7 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR AN ATHLETIC FIELD AT FLAMINGO ELEMENTARY SCHOOL. (Leadex Corporation - \$183,939)**

R-96-120 5.8 **SUMMER FOOD SERVICE PROGRAM - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING APPLICATION FOR A GRANT**

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**UNDER THE STATE OF FLORIDA DEPARTMENT OF EDUCATION
SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.**

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5.9 LAW ENFORCEMENT TRUST FUND EXPENDITURE - A RESOLUTION
R-96-121 OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE PURCHASE OF K-9 LIFEGUARD ALERT SYSTEMS FOR THE DAVIE POLICE DEPARTMENT FROM THE LAW ENFORCEMENT TRUST FUND ACCOUNT. (Radiotronics, Inc. - \$1,848)

5.10 LAW ENFORCEMENT TRUST FUND EXPENDITURE - A RESOLUTION
R-96-122 OF THE TOWN OF DAVIE, FLORIDA, SUPPLEMENTING THE OPERATION OF THE SILVER OAKS PROGRAM FOR CHILDREN AND AUTHORIZING THE EXPENDITURE FROM THE LAW ENFORCEMENT TRUST FUND ACCOUNT. (not to exceed \$1,000)

5.11 LAW ENFORCEMENT TRUST FUND EXPENDITURE - A RESOLUTION
R-96-123 OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING FUNDING OF THE 1996 SUMMER FOOD SERVICE PROGRAM IN POTTER PARK FROM THE LAW ENFORCEMENT TRUST FUND ACCOUNT. (\$2,500)

5.12 SUMMER DAYCAMP POLICY SCHOLARSHIPS/FLEXIBLE PAYMENT - A
R-96-124 RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A "COMMUNITY CARES PROGRAM" AND SETTING A POLICY FOR THE PROVISION OF SCHOLARSHIPS AND FLEXIBLE PAYMENTS FOR SUMMER DAYCAMPS

5.13 ANNEXATION AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN ANNEXATION AGREEMENT BETWEEN EVERGLADES LAKES MOBILE HOME COMMUNITY, LTD., AND THE TOWN OF DAVIE, FLORIDA.

Ordinances - First Reading (Public Hearing to be held on May 1, 1996)

5.14 ANNEXATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA ANNEXING TO THE TOWN OF DAVIE THE PROPERTY KNOWN AS EVERGLADES LAKES MOBILE HOME COMMUNITY LOCATED AT THE WEST 101.81 FEET OF TRACT 7, TIER 15; TRACTS 5, 6 AND 7, TIER 17 LESS THAT PORTION OF TRACT 5 TAKEN FOR SUNSHINE STATE TURNPIKE RIGHT-OF-WAY; TRACTS 5, 6 AND 7, TIER 19; TRACT 5, TIER 21, LESS THE WEST 245 FEET OF THE NORTH 497.50 FEET AND ALL OF TRACTS 6 AND 7, TIER 21; ALL OF TRACTS 5 AND 6, TIER 15 LYING WESTERLY OF THE WEST RIGHT-OF-WAY LINE OF THE SUNSHINE STATE TURNPIKE, NEWMAN'S SURVEY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; SAID LANDS LYING AND BEING IN BROWARD COUNTY, FLORIDA.

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5.15 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-33 (HH) OF THE CODE OF THE TOWN OF DAVIE ENTITLED YARD ENCROACHMENTS, BY ADDING THERETO SECTION 12-33(HH) PARAGRAPH (4); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

5.16 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-81, TABLE 12-81A OF THE CODE OF DAVIE ENTITLED CONVENTIONAL SINGLE-FAMILY DEVELOPMENT STANDARDS AND SECTION 12-503 ENTITLED DEFINITIONS TO INCORPORATE OTHER BODIES OF WATER PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

5.17 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-33(A) OF THE CODE OF THE TOWN OF DAVIE ENTITLED ACCESSORY USES AND STRUCTURES, BY RENUMBERING SECTION (A) AND ADDING THERETO SECTION 12-33A (8) ENTITLED GUEST HOUSE OR COTTAGE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

An unidentified man (Michael Davenport) asked that item 5.16 be removed from the Consent Agenda. Vice-Mayor Cox asked that item 5.15 be removed. Mayor Venis asked that items 5.2 and 5.7 be removed.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to approve the Consent Agenda without items 5.2, 5.7, 5.15 and 5.16. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

5.2 Police Chief Jack Mackie indicated that he had a concern with closing the roads and he wanted to discuss this matter with Fire Chief Michael Donati.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to approve item 5.2 based on a route that was satisfactory to Chief Mackie. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

5.7 Mayor Venis indicated that this resolution was for a much needed playground.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

5.15 Vice-Mayor Cox indicated that she had problems with this ordinance and requested that Council review it carefully over the next two weeks.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to approve. Town Clerk Reinfeld read the ordinance by title. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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5.16 Town Clerk Reinfeld read the ordinance by title. Mayor Venis indicated that a public hearing would be held on this item on May 1, 1996.

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Town Clerk Reinfeld read item 5.17 by title only. Mayor Venis advised that a public hearing on item 5.17 would be held on May 1, 1996.

6. SITE PLANS

6.1 SP 1-4-96, Buckram Oak Holdings, N.V., 2700 - 3200 Nob Hill Road (E) Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report

The petitioner was not present.

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to table the item until May 1, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

6.2 SP 2-3-96, P&J Estates, 10501-10591 Orange Drive (A-1) Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report

Valentine Sellati, representing the petitioner, was present. Matt Wood, Town Planner, read the planning report.

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Resolution

7.1 **CAPITAL IMPROVEMENT PROGRAM - A RESOLUTION OF THE TOWN**
R-96-125 **OF DAVIE, FLORIDA, AMENDING THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 1995-2000. (tabled from April 2, 1996)**

Town Clerk Reinfeld read the resolution by title. Mr. Rawls described the amendments.

Mayor Venis asked how much the Town had saved on the road projects. Mr. Rawls responded approximately \$500,000.

Vice-Mayor Cox asked on the status of the Open Space fund. Mr. Rawls indicated that this program identified funding within the Open Space Program and programs the money for an expansion of a western bikeway network. Vice-Mayor Cox wanted the program shown to her before it began.

Councilmember Santini questioned the Pine Island Community Center's fields and gymnasium. Mr. Rawls explained that there would be two soccer fields and six

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softball fields by the end of the summer. He stated that the gymnasium was a part of the five year capital view but was not funded at this point.

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Mayor Venis asked if anyone wished to speak for or against the resolution.

Al Tyler, 8090 SW 19 Court, discussed the problem with 82nd Avenue and questioned if anything was being done. He added that a guardrail was needed on 70th Avenue. Vice-Mayor Cox indicated that she was polling the residents and advised that some wanted the guardrails and some did not. Mr. Tyler thanked Council for the Program.

Mayor Venis closed the public hearing.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Ordinances - Second and Final Reading

7.2 PERSONNEL RULES AND REGULATIONS - AN ORDINANCE OF THE

96-16 TOWN OF DAVIE, FLORIDA, REVISING THE TOWN OF DAVIE'S PERSONNEL RULES AND REGULATIONS BY AMENDING SECTIONS 4, 6, and 7 OF RULE V, ENTITLED RECRUITMENT AND EMPLOYMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title and explained the amendments.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.3 AMENDING ORDINANCE 87-70 - AN ORDINANCE OF THE TOWN OF

96-17 DAVIE, FLORIDA, AMENDING ORDINANCE NO. 87-70 BY CHANGING SECTIONS 2(a), 2(b), EXHIBIT B AND EXHIBIT C, WHICH SAID CHANGES PROVIDE FOR A REDUCTION OF DENSITY OF 500 DWELLING UNITS OVERALL AND THE TRANSFER OF 110 DWELLING UNITS FROM TRACT B TO TRACT A; RESTRICTING RIDGE CROSSING LOCATION; PROVIDING FOR AN ENTRANCE AND ACCESS ALIGNMENT; PROVIDING FOR LANDSCAPING AND SIGNAGE; PROVIDING FOR MODULAR CLASSROOMS; PROVIDING CRITERIA FOR THE LOCATION OF HORSE TRAILS; PROVIDING FOR RELOCATION OF CONSTRUCTION TRAILER; PROVIDING FOR PLANTING AREA; PROVIDING FOR LOCATION OF LAKE AND LIMITATION OF LOTS ADJACENT TO RIDGE; PROVIDING TENNIS COURTS; AMENDING AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title. Vice-Mayor Cox explained the amendments and indicated that the six modular buildings would be provided by August 1996 in time for the school year. She added that Walter Collins would be purchasing the property for the price that the Town paid for the property plus any interest that would have been earned. Vice-Mayor Cox stated that the property was appraised at \$150,000 and

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Mr. Collins would be paying \$290,000.

Mayor Venis asked if anyone wished to speak for or against the ordinance.
Judy Paul, 14401 SW 24 Court, spoke in opposition.

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Kathleen Blier, 3200 Old Hickory Court, spoke in favor and discussed the overcrowding of schools. Al Tyler, 8090 SW 19 Court, spoke in opposition.

Gil MacAdam, Environmental Administrator for Broward County Parks and Recreation, expressed the Parks and Recreation support of the ordinance.

Arthur Joseph, 13700 SW 18 Court, spoke in opposition.

Sandra Sweitzer, 13510 SW 29 Street, spoke in favor.

Michael Davenport, 14041 SW 22 Place, discussed the amendment.

Carmine Cazzalino, 9195 Old Orchard Road, spoke in favor.

John Jerez, 2781 Oak Park Circle, spoke in favor.

Barbara Herman, 9184 Greenbriar Court, spoke in favor.

Les Hartman, 2650 Oak Park Circle, spoke in favor.

Mayor Venis closed the public hearing.

Councilmember Santini applauded Vice-Mayor Cox for her diligent work on this matter and urged Council to approve the ordinance.

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - no; and Councilmember Santini - yes. (Motion carried 3-2)

Councilmember Kiar discussed his concern with setting a precedent by selling Open Space property. Mr. Webber stated that funds from selling any Open Space property would be returned to the Open Space account. Councilmember Kiar indicated that he wanted Mr. Webber to prepare a document to "lock up" the Open Space lands so properties could not be sold in the future. Mr. Webber advised that he would look into imposing deed restrictions. Vice-Mayor Cox suggested looking into the development rights issue.

**7.4 PLANNING AND ZONING BOARD TABLED TO
APRIL 24, 1996; COUNCIL CAN TABLE TO MAY 1,
1996**

LAND USE PLAN AMENDMENT - LA 96-1, Westwind Contracting, Inc., located on the south side of State Road 84 approximately 1/2 mile east of Flamingo Road (from R-5 to Commercial) (tabled from April 2, 1996)

This item was tabled previously in the meeting.

**7.5 PLANNING AND ZONING BOARD TABLED TO
MAY 8, 1996; COUNCIL CAN TABLE TO MAY 15,
1996**

VARIANCE - V 3-2-96, Orshefsky/K2 Development Ltd., southwest corner of SW 30 Street and University Drive (B-2)

This item was tabled previously in the meeting.

7.6 VARIANCE - V 3-1-96, P.A. Design Group, Inc./Federici, 4780 SW 65 Avenue (RM-10) (to reduce the required side yard from 20 feet to 10 feet; to reduce the required minimum dwelling unit floor area from 600 square feet to 400 square feet for one unit) (tabled from April 17, 1996)
Planning and Zoning Division approved; Planning and Zoning Board

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approved

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Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Gayle Easterling, Town Planner, read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

Philip Aguirre, representing the petitioner, was present and explained the request.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.7 LAND USE PLAN AMENDMENT - LA BC 96-2, Rubin/Sunny Lakes, Inc., southwest corner of Griffin Road and the Florida Turnpike (from R-5 to RO and C) Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board denied

Mr. Webber explained the process. Town Clerk Reinfeld swore in the witnesses. Ms. Easterling read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

Richard Rubin, the petitioner, discussed the request and the resident's concerns.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance.

The following individuals spoke in favor:

Lynn DeLorenzo, Vice-President of the Davie Economic Council.

Debbie Apolinario, 2940 SW 148 Avenue.

The following individuals spoke opposition:

Don Wittenberg, 4600 SW 54 Terrace.

Donald Turner, 4610 SW 54 Terrace. He presented 20 photographs into evidence and indicated that he did not know the dates of when the photographs were taken. Mr. Webber stated that as far as evidentiary value, the photographs were not acceptable evidence.

Debra Griffin, 3860 SW 60 Avenue.

Vincent Orrico, 4630 SW 54 Terrace.

Steve Smith, 4720 SW 54 Terrace.

Nafil Tawfik, 5301 SW 48 Street.

Doris Monier, 5305 SW 48 Street.

Ron Sweat, 5201 SW 48 Street.

Nick Williams, 4620 SW 54 Terrace and introduced documents into evidence. Mr. Webber accepted the Town's planning report dated June 15, 1989 and correspondence from the Department of the Army addressed to John Williams dated November 22, 1989.

Mr. Rubin discussed the resident's comments.

Mr. Webber accepted a letter from Mr. Williams from Roy Lemon of Florida Atlantic University's College of Science dated August 4, 1989.

Vice-Mayor Cox asked if the petitioner was to dredge and fill the site or to bring the fill from off site. Mr. Rubin indicated that only fill would be brought into the site.

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Councilmember Kiar questioned if there was a current geological evaluation. Mr. Rubin replied that a report would have to be obtained before the building process began and if this report would be a comfort level, he would provide the report before final review of the amendment. Councilmember Kiar indicated that a current report would be important.

Councilmember Kiar questioned if any of the species were endangered or federally protected. Michele Mellgren, Director of Development Services, responded that the property was not designated on the Broward County Department of Natural Resource Protection map as a protected bird sanctuary.

Ms. Mellgren indicated that some of the issues that the residents discussed would be addressed further in the process. She said that the issue was whether it was appropriate to consider a land use plan designation amendment.

Vice-Mayor Cox questioned if a wall was required between Residential and Residential/Office. Ms. Mellgren replied affirmatively, however, the Code allowed for other alternative screening method or alternative buffer treatment with permission from the Site Plan Committee and Council. Vice-Mayor Cox questioned the height of the building. Ms. Mellgren responded that the maximum height limitation on the Residential/Office was 25 feet with Residential height limitation being 35 feet.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Ms. Mellgren explained the process of a land use plan amendment with discussion following.

Vice-Mayor Cox made a motion, seconded by Mayor Venis who passed the gavel, to deny. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - no; Councilmember Kiar - yes; and Councilmember Santini - no. (Motion carried 3-2)

8. RESOLUTION

8.1 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING
R-96-126 THE MAYOR TO TRANSMIT A LAND USE PLAN AMENDMENT TO
THE BROWARD COUNTY PLANNING COUNCIL WITH
APPROPRIATE RECOMMENDATIONS; AND PROVIDING AN
EFFECTIVE DATE. (LA BC 96-2, Rubin/Sunny Lakes, Inc.)

Town Clerk Reinfeld read the resolution to deny by title.

Vice-Mayor Cox made a motion, seconded by Mayor Venis who passed the gavel, to approve transmittal. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - no; Councilmember Kiar - yes; and Councilmember Santini - no. (Motion carried 3-2)

9. APPOINTMENTS

9.1 Planning and Zoning Board (exclusive appointments - one
appointment per Councilmember; terms May 22, 1996 to May 14, 1997)

Councilmember Bush deferred his appointment. Vice-Mayor Cox deferred her appointment. Councilmember Santini reappointed Tom Gill. Councilmember Kiar deferred his appointment. Mayor Venis appointed Jay Stahl.

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Mayor Venis added an appointment to the Davie Water Advisory Board as item 9.2.

9.2 Councilmember Kiar advised that Jay Stahl had resigned appointed Mary Haas to the Davie Water Advisory Board.

10. DISCUSSION

10.1 Tree Discount Purchase Program for Earthweek, April 22 - 27, 1996 for Davie Residents

Mr. Flatley stated that the Program was being advertised which listed the trees that vendors were selling and encouraged the residents to participate.

Councilmember Santini suggested that discussion items and the Town Administrator's report be moved to the beginning of the agenda.

Judy Paul advised that if the Town was to purchase bloodhounds, she was willing to house the dogs until they were at the age for training.

10.2 Approval for Planning and Zoning Board and Town Council to Consider Second Request for Rezoning Within One Year by Belmont Lakes (formerly Thumper Lakes)

Ms. Mellgren stated that the petitioner wanted to utilize the R-1 zoning district which was consistent with the surrounding area. She advised that the petitioner wanted Council's permission for the Planning and Zoning Board to reconsider the petition. Ms. Mellgren added that Council would ultimately take action on the new request.

Mr. Webber explained that there was a lawsuit pending and if this issue was resolved, the lawsuit would be dismissed. He advised that the request that Council was considering was the waiver of the one year requirement.

Vice-Mayor Cox asked if a precedent was being set. Mr. Webber replied negatively.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve the waiver. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

11. TOWN ADMINISTRATOR'S REPORT

FLORIDA LANDSCAPING. Mr. Flatley provided Council with a book from the University of Miami which listed Florida landscaping.

HABITAT HOMES. Mr. Flatley stated that Habitat for Humanity wanted Council to preview the homes on May 12th at 4:00 p.m. and added that a barbecue would also be held. He added that Habitat was suggesting that the Town might want to rededicate Lynmar Park to Driftwood Park at the same time. Mayor Venis suggested that the dedication be held on another day due to May 12th being Mother's Day.

VISTA LAKES SITE PLAN. Ms. Mellgren advised that when obtaining site plan approval, the Code provided that the buildings permit must be "in hand" within six months or the site plan expired. She explained that the site plan for Vista Lakes expired March 6th and because of a question by the Planning and Zoning Division, the approval deadline was missed. Ms. Mellgren stated that the matter had been resolved and requested that Council reapprove the already approved site plan which would extend the time for six months.

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Councilmember Santini made a motion, seconded by Councilmember Bush, to approve the extension of time. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Councilmember Santini provided Town Clerk Reinfeld with her report that she prepared from the Tallahassee trip and asked that it be distributed.

12. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 1:06 a.m.

APPROVED _____

Mayor/Councilmember

Town Clerk